

City of Lynn

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Thomas M. McGee
Mayor

EXECUTIVE ORDER FROM THE MAYOR OF THE CITY OF LYNN AND PUBLIC HEALTH DIRECTOR REGARDING EXPANSION OF LICENSED PREMISES DATE OF ORDER: JUNE 10, 2021

ORDERED THAT the following procedures are hereby established to temporarily amend alcohol license due to Covid-19 limitations by changing seating and layout of establishment pursuant to the Governor's Covid-19 Order No. 35.

The City of Lynn is creating a temporary program to allow restaurants to operate in outdoor settings. The intent of the program is to allow temporary outdoor dining through the 2021 calendar year until such time as expansions of premises to outside areas is rescinded by the Commonwealth of Massachusetts. This is a temporary program to support our local eateries and residents. The City reserves the right to require the user to remove the outside seating if and when it determines it to be necessary, for any reason and at any time. All furnishings and lighting must be easily removed at the end of the program period.

This temporary program does not apply to mobile food trucks/carts.

1. Definitions:

SIDEWALK CAFÉ: an outdoor dining space located in the public ROW on a designated portion of the sidewalk adjacent to the participating restaurant.

STREATERY: a private seating area located in the public ROW that converts curbside parking spaces into an outdoor dining space for customers of the adjacent, participating restaurant.

2. Requirements:

During the business hours of the participating restaurant, no portion of the sidewalk café or streatory seating may be used for any purpose other than dining or circulation. Each establishment must maintain control of its operations and food and beverage service within its own outdoor premises. To prevent additional encroachment onto public space and to contain the sale of alcohol within the sidewalk café or streatory seating area, the area should be separated from the pedestrian walk space with a non-movable system of enclosure, such as decorative fencing with removable bollards. Sidewalk cafés or streateries that do not serve alcohol do not need this non-movable system of enclosure.

All seating areas must comply with all applicable federal, state, and local laws and regulations, including the Americans with Disabilities Act.

3. **Eligible Businesses:** restaurants, cafes, coffee shops, and other similar places of public accommodation offering food, beverages, or alcoholic beverages for on-premises consumption.

4. **Hours of Operation:** Outdoor eating areas shall have the same operating hours as granted for its indoor premises.

5. **Temporary Signs:** For the duration of this ordinance, eligible businesses may install temporary signs in excess of the allowed size or number permitted by the City of Lynn Sign Ordinance. Temporary signs must be made of fabric, vinyl, paper, or corrugated plastic. These signs cannot be internally illuminated, but they may have lights shining onto them when the eligible business is open. Eligible signs are wall, window, feather, yard, and menu/sandwich board. Signs must be affixed to the eligible business' building or property or within a permitted sidewalk café or streater. Signs must allow for at least four feet of clearance for pedestrians, although at least six feet is preferred. Temporary signs that adhere to these requirements do not need a building permit.

6. **Eligible Outdoor area:** Under this program, eligible businesses may be able to temporarily expand into these types of outdoor areas:

1. Private property, including off-street parking lots with the Property Owner's consent.
2. Public ROW, including sidewalk, street parking spaces, and motor vehicle lanes (if designated by the City).

7. **Tents:** The installation of temporary tents will be permitted as part of this application if the tent is secure and no greater than 400 SQ FT. Tents larger than 400 SQ FT, or if they include sides or flaps, may be installed but will require additional approval by the Lynn Fire Department and Department of Inspectional Services.

8. **Application Requirements:** Proposals to expand into the public right-of-way will require:

- a. Rough sketch of expanded area; and of barriers to be installed along ROW; include proposed number of outdoor tables, chairs, and umbrellas.
- b. Proof of liability insurance for the period covered by the license in at least the amount of \$1,000,000 combined limit for bodily injury and property damage. The restaurant's ability to operate a street seat shall be conditioned upon the restaurant obtaining and maintaining this insurance naming the City of Lynn as an additional named insured.
- c. Restaurant needs to be in good standing with the City of Lynn License Commission and Department of Inspectional Services.
- d. Provide property owner consent if proposed outdoor seating area is on private property or expands along the frontage of an adjacent storefront area.
- e. Specs and dimensions of installation of proposed tent no greater than 400 SQ FT.
- f. In the case of the utilization of public property or a City ROW, a signed and executed License Agreement in a form satisfactory to the City Solicitor.


9. Application Process: Any establishment seeking to extend its licensed area must file an application with the City of Lynn License Commission to expand the area to private property owned by the licensed establishment. Expansion of licensed area municipal off-street parking lots maintained and controlled by the Off-Street Parking Commission must be approved by the License Commission and Off-Street Parking Commission. Expansion of licensed area onto municipal ROWs and/or municipal off-street parking lots maintained and controlled by the Department of Inspectional Services must be approved by the City of Lynn License Commission and must also receive consent from all of the following municipal officials who shall comprise the Restaurant Reopening ROW Extension Committee:

- a. Mayor Thomas M. McGee and/or his designee;
- b. Councilor Wayne A. Lozzi;
- c. The Ward Councilor in which the establishment is located;
- d. Department of Public Works Commissioner Andrew Hall and/or his designee;
- e. Department of Inspectional Services Chief Michael J. Donovan and/or his designee;
- f. Chief of the Lynn Police Christopher Reddy and/or his designee;
- g. Chief of the Lynn Fire Department Stephen Archer and/or his designee;
- h. Acting Parking Director Robert Stilian and/or his designee.

The above listed individuals must sign off and approve any request to expand an establishment onto a public right of way. The failure to approve or disapprove a request (absent a waiver by the applicant) within twenty-four (24) hours shall be deemed to be an approval.

10. License agreement/ Insurance: License Agreements for use of sidewalks, public parking lots, and if street closures to be drafted and approved by the Law Department. All certificates of insurance must name the city of Lynn as "additional insured" and not as certificate holder. All certificates of insurance must be approved by the Law Department

Date: June 10, 2021



THOMAS M. MCGEE
MAYOR



MICHELE DESMARAIS
PUBLIC HEALTH DIRECTOR